

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LIBERTY MUTUAL INSURANCE CO.,

MEMORANDUM & ORDER
10-CV-0449(JS)(WDW)

Plaintiff,

-against-

HORIZON BUS CO., INC. and NEIL BOYLE,

Defendants.
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APPEARANCES:

For Plaintiff: David Shyer, Esq.
Marshall T. Potashner, Esq.
Jaffe & Asher, LLP
600 Third Avenue
New York, NY 10016

For Defendants: Andrew M. Doktofsky, Esq.
Law Office of Andrew M. Doktofsky
191 New York Ave
Huntington, NY 11743

SEYBERT, District Judge:

Plaintiff Liberty Mutual Insurance Company ("Plaintiff") asserts three claims against Defendants Horizon Bus Company, Inc. ("Horizon Bus") and Neil Boyle: two claims under the New York Debtor and Creditor Law for fraudulent conveyance and one claim to pierce the corporate veil. Plaintiff moved for a default judgment, and this Court referred Plaintiff's motion to Magistrate Judge William D. Wall for a Report and Recommendation ("R&R"). On February 22, 2011, Judge Wall recommended that Plaintiff be granted a default judgment as to its second two causes of action and awarded damages on its

third cause of action only and against Defendant Horizon Bus only.

Objections were due within fourteen (14) days of the date of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Wall's R&R to be comprehensive, well-reasoned and free of clear error, and it ADOPTS the R&R in its entirety. The Clerk of the Court is directed to enter judgment for Plaintiff against Defendant Horizon Bus in the amount of \$621,787.78 plus post-judgment interest pursuant to 28 U.S.C. § 1961(a) from August 21, 2009 forward. The Clerk is further directed to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 24, 2011
Central Islip, New York